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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,888	12/12/2005	Johannes Kalhoff	2133.095USU	1974
27623 7590 04/01/2009 OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901				
EXAMINER JARRETT, RYAN A				
ART UNIT		PAPER NUMBER		
2121				
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04/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,888

Applicant(s)

KALHOFF ET AL.

Examiner

RYAN A. JARRETT

Art Unit

2121

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009 and 10 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/10/08 has been entered.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “logic device” and “coupler” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the “logic device” and “coupler” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is directed to an “apparatus”, but recites no apparatus elements. As such, the scope of this claim is unclear and indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 and 19-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagino US 2001/0016891.

1. A method comprising:

situating a configuration device (e.g., Fig. 3 #120, Fig. 8 #120X) at an installation location in a system, wherein the configuration device is connected to a coupler (e.g., Fig. 3: “L”, Fig. 8 #138) for an intelligent unit (e.g., Fig. 3 #130, Fig. 8 #130X), and is not a component of said intelligent unit; and

storing data in the configuration device, pertaining to the installation location (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”),

wherein the data is transmitted from the configuration device to a logic device (e.g., Fig. 3 #132, Fig. 8 #136) that processes the data for configuration of the intelligent unit (e.g., [0035]: “The communication CPU 132 reads the setting value (network ID) of the DIP switch 122 into an internal register”, [0054], [0082]: “The infrared communication unit 138 receives data transmitted from the connector 120X and transfers the data to the control CPU 136. The control CPU 136 executes control of the motor driver 150 in accordance with the received data.”).

2. The method as claimed in claim 1, further comprising the following steps:

provisioning the intelligent unit (e.g., Fig. 3 #130, Fig. 8 #130X) with the logic device (e.g., Fig. 3 #132, Fig. 8 #136);

coupling the intelligent unit to the coupler (e.g., Fig. 3: “L”, Fig. 8 #138);

connecting the intelligent unit to the configuration device (e.g., Fig. 3: “L”, Fig. 8 #138);
and

transmitting the data from the configuration device to the logic device (e.g., [0035], [0054], [0082]).

3. The method as claimed in claim 1, further comprising:

transmitting data from the intelligent unit to the configuration device; and storing the data from the intelligent unit in the configuration device (e.g., [0078]: “the connector 120X has the function of communicating with the host controller 110 and takes out information of the field device 130X to exchange communication with the host controller 110”).

4. The method as claimed in claim 1, further comprising matching data between the intelligent unit and the configuration device (e.g., [0035], [0054], [0082]).

5. The method as claimed in claim 1, wherein the intelligent unit is in a network (e.g., Fig. 1).

6. The method as claimed in claim 1, wherein the storing and/or the transmitting of the data is carried out as a single step, or as a repeatable step (e.g., [0073]-[0074]).

7. The method as claimed in claim 1, wherein the storing and/or the transmitting of the data is performed securely (e.g., Fig. 8, [0082], *Infrared communication is secure*).

8. An apparatus for carrying out the method as claimed in claim 1 (e.g., Figs.).

9. The apparatus as claimed in claim 8, comprising:

an intelligent unit (e.g., Fig. 3 #130, Fig. 8 #130X) with an associated logic device (e.g., Fig. 3 #132, Fig. 8 #136) for processing data for configuration of the intelligent unit; and

a configuration device (e.g., Fig. 3 #120, Fig. 8 #120X) which is associated with a defined application and/or a defined location (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”), and is permanently or detachably connected to the coupler (e.g., Fig. 3: “L”, Fig. 8 #138), for storage of application-based and/or location-based configuration data and/or behavior description data (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”),

wherein the intelligent unit and the configuration device can be connected to one another in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location (e.g., [0035]: “The communication CPU 132 reads the setting value (network ID) of the DIP switch 122 into an internal register”, [0054], [0082]: “The infrared communication unit 138 receives data transmitted from the connector 120X and transfers the data to the control CPU 136. The control CPU 136 executes control of the motor driver 150 in accordance with the received data.”).

10. The apparatus as claimed in claim 8, comprising:

a configuration device (e.g., Fig. 3 #120, Fig. 8 #120X), which can be associated with a defined application and/or a defined location of an intelligent unit and can be permanently or detachably connected to the coupler, for storage of application-based and/or location-based configuration data and/or behavior description data (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”),

wherein the configuration device can be connected to a logic device for processing of data for configuration of an intelligent unit in such a way that data can be transmitted at least from the configuration device to the logic device (e.g., [0035]: “The communication CPU 132 reads the setting value (network ID) of the DIP switch 122 into an internal register”, [0054], [0082]: “The infrared communication unit 138 receives data transmitted from the connector 120X and transfers the data to the control CPU 136. The control CPU 136 executes control of the motor driver 150 in accordance with the received data.”).

11. The apparatus as claimed in claim 8, comprising:

an intelligent unit (e.g., Fig. 3 #130, Fig. 8 #130X) with an associated logic device (e.g., Fig. 3 #132, Fig. 8 #136) for processing of data for configuration of the intelligent unit,

wherein the intelligent unit can be connected to a configuration device (e.g., Fig. 3 #120, Fig. 8 #120X), which is associated with a defined application and/or a defined location of the intelligent unit and is permanently or detachably connected to the coupler, for storage of application-based and/or location-based configuration data and/or behavior description data (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”), in such a way that data can be transmitted at least from the configuration device to the logic device for adaptation of the intelligent unit to the application and/or the location (e.g., [0035]: “The communication CPU 132 reads the setting value (network ID) of the DIP switch 122 into an internal register”, [0054], [0082]: “The infrared communication unit 138 receives data transmitted from the connector 120X and transfers the data to the control CPU 136. The control CPU 136 executes control of the motor driver 150 in accordance with the received data.”).

12. The apparatus as claimed in claims 8, further comprising: the intelligent unit being within a network (e.g., Fig. 1).

13. The apparatus as claimed in claim 8, further comprising: the intelligent unit having a system component (e.g., Fig. 1 #140, 150F-H, 160F-H).

14. The apparatus as claimed in claim 8, further comprising: the application-based and/or location-based data comprising an address, a component identification, configuration data and/or data for configuration (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”).

15. The apparatus as claimed in claim 8, further comprising:
the logic device which is associated with the intelligent unit being designed for data transmission to the configuration device (e.g. Fig. 8).

16. The apparatus as claimed in claim 8, further comprising:
the configuration device being designed to receive and store data from the logic device which is associated with the intelligent unit (e.g., [0078]: “the connector 120X has the function of communicating with the host controller 110 and takes out information of the field device 130X to exchange communication with the host controller 110”).

19. The apparatus as claimed in claim 8, further comprising:
the configuration device being associated with a connecting device, which is arranged at the coupler (e.g., Fig. 3: “L”, Fig. 8 #138), for connection of the intelligent unit.

20. The apparatus as claimed in claim 8, further comprising:
the configuration device being designed for storage, reading and/or processing of further data (e.g., Fig. 1 #110).

21. The apparatus as claimed in claim 8, further comprising:
the data of the configuration device being variable, readable and/or processable by remote control and/or externally (e.g., Fig. 1 #110A).
22. The apparatus as claimed in claim 8, further comprising:
the configuration device and the intelligent unit having complementary means for provision of a unidirectional and/or bidirectional data transmission connection, in particular using screw-in and/or plug-in connectors, a contact-based, optical and/or a radio connection (e.g., Fig. 8).
23. The apparatus as claimed in claim 8, further comprising: the configuration device being designed as equipment for an automation system (e.g., Fig. 1).
24. The apparatus as claimed claim 8, further comprising:
the configuration device and/or the logic device having hardware and/or software elements (e.g., Figs. 1, 3, 8).
25. The apparatus as claimed in claim 8, further comprising:
the logic device which is associated with the configuration device being part of the configuration device or part of a further device which can be connected to the configuration device, in particular a central control device (e.g., Fig. 1 #110A).
26. Use of an apparatus as claimed in claim 8 for carrying out a method as claimed in claim 1 (e.g. Figs. 5-6).
27. A system having at least one apparatus as claimed in claim 8 (e.g., Fig. 1).
28. The system as claimed in claim 27, wherein the system is adapted for operation of an automation system (e.g., Fig. 1).

29. The apparatus of claim 8, wherein the configuration device is part of a permanent wiring to which the intelligent unit can be coupled (e.g., Figs. 1, 3,8: “L”).

30. The method of claim 1, wherein said installation location coincides with an application location (e.g., Fig. 1).

31. The method of claim 1, wherein said data is selected from the group consisting of application-based configuration data, location-based configuration data, behavior description data, and a combination thereof (e.g., [0034]: “The DIP switch 122 holds the network ID of the connector, which is unique on the network”).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jackson et al. US 5,432,711 an interface for use with a process instrumentation system.

Voss US 6,397,322 discloses an integrated intrinsically safe input-output module.

Zimmerman et al. US 6,016,523 discloses an I/O modular terminal having a plurality of data registers and an identification register and providing for interfacing between field devices and a field master.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN A. JARRETT whose telephone number is (571)272-3742. The examiner can normally be reached on 10:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan A. Jarrett/
Primary Examiner, Art Unit 2121

03/29/09